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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/293,293	04/16/1999	ROXANA HAMEDANI	1400.9801260	4686
25697	7590	05/10/2005	EXAMINER	
ROSS D. SNYDER & ASSOCIATES, INC.			DUONG, DUC T	
PO BOX 164075			ART UNIT	
AUSTIN, TX 78716-4075			PAPER NUMBER	

2663
DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/293,293

Applicant(s)

HAMEDANI ET AL.

Examiner

Duc T. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 is/are allowed.
- 6) ☒ Claim(s) 22,24,27-29,31 and 34 is/are rejected.
- 7) ☒ Claim(s) 23,25,26,30,32 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22, 24, 27-29, 31, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham et al (U.S. Patent 6,097,722) in view of Robrock, II (U.S. Patent 5,932,402).

Regarding to claims 22, and 29, Graham discloses an apparatus (Fig. 1A) for connection admission control comprising a processor 140, a memory 145 operably coupled to the processor, wherein the memory stores a connection admission control algorithm, wherein when executed by the processor, the connection admission control algorithm causes the processor to determine, in response to a request for a virtual path aggregation, if there is a trunk group (Fig. 5A, 513, 5C, and 6, 'path group'), within a source switch 130x (Fig. 1A), suitable for the virtual path aggregation (Fig. 8 col. 7 lines 29-35); reject the virtual path aggregation request when there is a trunk group within the switch suitable for the virtual path aggregation and bandwidth characteristics of the virtual path aggregation compare unfavorably (overload) with bandwidth limitations of the trunk group (Fig. 8 col. 8 lines 10-14); and create the virtual path aggregation (Fig. 8, the step of setup connection) such that the virtual path aggregation corresponds to

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the trunk group when there is a trunk group within the switch suitable for the virtual path aggregation (Fig. 8, the step of determine VP group and VP) and the bandwidth characteristics of the virtual path aggregation compare favorably with bandwidth limitations of the trunk group (Fig. 8, the step of determine whether the bandwidth available).

Graham fails to teach wherein the request indicates a desired data path between the source switch and a destination switch, wherein the request includes a traffic descriptor.

However, Robrock discloses a broadband intelligent network employs an ATM switch to route signaling cells, wherein the signaling cells included a VPI/VCI values 201 (desired data path) and a payload field 202 used to request a particular service (Fig. 6A col. 5 lines 24-34).

Thus, it would have been obvious to a person of ordinary skill in the art to employ signaling cells as taught by Robrock in Graham's system to established switched virtual connections. The motivation to do so would have been to provide a means for managing various connections and service requested.

Regarding to claims 24, 27, and 31, Graham suggests creating virtual path aggregation such that the virtual path aggregation supports permanent virtual connections or switched virtual connections (col. 2 lines 4-16).

Regarding to claims 28 and 34, Graham discloses for the virtual path aggregation is a virtual path connections that supports at least one virtual channel connections,

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wherein set-up and shaping of the virtual path aggregation provides set up and shaping of the at least one virtual channel connection (Fig. 7A and 7B col. 12 lines 49-67).

***Allowable Subject Matter***

3. Claims 1-21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or make obvious the step of or means for **“determining if there is a trunk group within the source switch having a virtual path identifier that matches the virtual path identifier of the virtual path aggregation”**, when the determining is considered within the specific structure of the method recited in claim 1 or the device recited in claim 8. The prior art of record fails to teach or make obvious the step of or means for **“determining if the connection is a virtual channel connection type, when the connection is a virtual channel connection type, determining if the service category for the connection is supported by the virtual path aggregation”**, when the determining is considered within the specific structure of the method recited in claim 14 or the device recited in claim 18.

4. Claims 23, 25, 26, 30, 32, and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments filed November 3, 2004 have been fully considered but they are not persuasive. Regarding to applicant's argument on page 18 with respect to

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claims 22 and 29, "reject bandwidth request" in the Ma's references is not "rejecting the virtual path aggregation request" and the step of comparing "BW available on VP" of Ma does not recited "when the bandwidth characteristics of the virtual path aggregation compare favorably with the bandwidth limitations of the trunk group. . .". In response, while the meaning of the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of the claim interpretation to be applied during the examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow. This means that the words of the claim must be given their plain meaning unless application has provided a clear definition in the specification, see *In re Zletz*, 8893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). Thus, in this instant, the examiner interpret "reject bandwidth request" of the Ma's reference is the same as "rejecting the virtual path aggregation request" and the step of comparing "BW available on VP" do indeed recite "when the bandwidth characteristics of the virtual path aggregation compare favorably with the bandwidth limitations of the trunk group. . .". Furthermore, there are no structural difference between the "bandwidth request" of Ma and the "virtual path aggregation request". Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections. Based on the reasons set forth, the rejections are maintained.

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***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

  
RICKY NGO  
PRIMARY EXAMINER

5/5/05

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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